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UNITED STATES DISTRICT COURT  
for the  
Eastern District of Texas

TELINIT TECHNOLOGIES, LLC  
(Plaintiff)

v.

SPOTIFY USA INC.  
(Defendant/Third-Party Plaintiff)

v.

GARY ODOM DBA PATENT HAWK  
LLC  
(Third-Party Defendant)

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Civil Action No.  
2:13-CV-803-JRG-RSP

Motion for Dismissal or  
Transfer

Your Honor:

Spotify has made meritless accusations against my character and reputation, with no evidence for their falsities, nor with any evidence possibly forthcoming, their unscrupulous fabrication notwithstanding.

Therefore, I respectfully move in the alternative:

a) dismiss the complaint for state court adjudication, as the instant court lacks personal and subject matter jurisdiction of alleged breach of contract; or

b) as relevant discovery has already been provided by me, dismiss with prejudice the baseless complaint against me for utter lack of evidence; or

c) transfer the complaint to Oregon. All the evidence that does not exist, and the sole defendant that does, are in Oregon. Spotify is not a Texas corporation. My business has always been located in Oregon and nowhere else. Ample case law (e.g. *In Re Volkswagen* (5th Circuit Court of Appeals 07-40058 (2009))) supports that the appropriate venue is that which provides "the convenience of parties and witnesses and in the interest of justice."

Further, I respectfully move for sanctions against Spotify and its lawyers, for asserting an unconscionable, frivolous complaint in bad faith.

Dated: February 5, 2014

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

This is to certify that all counsel of record will be served with a copy of this document via first class U.S. mail.